

Dealing with Challenges to Materials and Policies

This Trustee Essential covers:

- *The need to have a written policy to deal with challenges*
- *Your responsibility as a trustee in a challenge*

One of the most difficult tasks you may face as a public library trustee is that of dealing with an objection to materials in the library's collection, or an objection to library policies.¹ This is why it is essential for every library to have a written policy in place that specifies how complaints will be handled, including a procedure to be used by concerned citizens.

The challenge policy

The policy should be written so that it calls for at least the initial steps of the process to be handled by staff; and in many, if not most, instances the issue can be resolved at that level. However, there may be times when the library board becomes involved more directly. Again, what is most important is for the board to have a policy and a corresponding procedure for dealing with either circumstance.

Regardless of the level of board involvement, it is important for you as a trustee to be committed to the principles of freedom of expression and inquiry that are fundamental to the role of public libraries. The entire community benefits collectively when democratic institutions uphold the right of access to information. Public libraries are for everyone and for every inquiry, and as such must include materials with varying points of view and a wide range of subjects. However, throughout history there have always been those who seek to limit what others may read, see, or listen to, and when this occurs in a public library setting it must be addressed thoughtfully and carefully by those ultimately responsible for all library operations, i.e., the library board.

When you became a library trustee, you may already have had considerable knowledge about intellectual freedom and censorship. However, many trustees need to learn more about these issues so that if an objection is raised they will be prepared. There are many resources; one of the most complete is the *Intellectual Freedom Manual* published by the Office for Intellectual Freedom of the American Library Association. The manual is updated frequently, and your library should have a copy of the latest edition. Other resources are listed at the end of this *Trustee Essential*. (See also *Trustee Essential* #22: *Freedom of Expression and Inquiry*.)

The trustee role in dealing with challenges

So what is your role when a complaint against a specific book, video, music CD, or policy is made? In many communities (especially smaller ones) you may receive the complaint personally through a phone call or a face-to-face conversation rather than as an item of

¹ While this *Trustee Essential* focuses primarily on complaints or challenges to materials, a similar procedure can be used for objections to library policies such as those governing use of meeting rooms, the Internet, etc.

business at the next board meeting. If this happens, you will be better able to respond appropriately if there is a policy and procedure already in place.

An important first step is to communicate with the library director about the complaint, since you and your fellow trustees have, no doubt, delegated to the director the responsibility for selecting materials. This means that you should not express your own personal views to an individual citizen, but should instead refer the complaint to the director promptly. Inform the citizen that there is a policy for handling objections, and explain that you are not individually responsible for deciding what will be done. Make sure the objector understands there is a process, and that he/she has the right to use that process. See the attached *Sample Complaint/Concern Form*, which includes a sample policy for dealing with complaints.

In other instances, the complaint may be made directly to the library director, either orally or in writing. In both cases, the objection may become a formal challenge if it cannot be resolved through informal dialog. You and your fellow trustees should be informed by the director that a challenge has been received and kept informed of the steps in its resolution. Or the trustees may receive a challenge as a formal item of business, and the process will start from that point.

If a formal challenge has been received, it may become known to the general public, sometimes generating debate in the media and among other public officials. This can create great stress for library trustees, for you may be contacted for your opinion by members of the public or by the media, or even by members of the municipal board which confirmed your appointment. Again, it is your responsibility not to engage in public debate as an individual. Your library's policy for dealing with challenges should specify that all deliberations involving trustees will be made at open board meetings; it should also specify that there is an official spokesperson (often the library director, sometimes the board president) through whom all information will be given out, especially to the media.

Public hearings

Most challenges are resolved before they become issues of public debate. Depending on your challenge policy, occasionally the library board may decide to hold a public hearing at which testimony is taken. This process must be carefully and thoroughly crafted to allow both sides of the issue to be heard, and to prevent (as much as possible) undue sensationalism. (The *Intellectual Freedom Manual* has an excellent section on planning a public hearing.) While the steps of this process need not be spelled out in your library's policy, there should be a statement that refers to the process.

If a hearing is held, it is important for trustees to listen as carefully as possible and not to participate in the debate. They should also defer any decision on the challenge until a later meeting. This meeting should be scheduled fairly soon after the hearing but allow enough time for trustees to consider the issues that have been raised in a less emotional atmosphere.

Regardless of how the challenge ultimately arrives before the trustees, it is probable that you will eventually make your views known through a vote that will decide the outcome. This is the time to make a public statement giving the reasons for your vote. Such a statement is not obligatory, but it gives trustees a forum to reiterate the principles of intellectual freedom, and why you do (or do not) support them in this instance. Once the board has decided the outcome, there is usually no further recourse for action by the challenger except a court case.

A formal challenge can be an opportunity for growth for all parties: the challenger, the library director and staff, and perhaps most of all for trustees. Having a policy in place that describes the process to be followed and the responsibilities of the various participants in a challenge will make it much easier for you and your fellow board members to deal with attempts at censorship.

Discussion Questions:

1. Why is it important for a library to have a policy for dealing with challenges to library materials and policies?
2. Does your library have an adequate policy and procedure for handling challenges? Are there any ways your policy and procedure could be improved?

Sources of Additional Information:

Attached Sample Complaint/Concern Form

Intellectual Freedom Manual, latest edition, published by the Office for Intellectual Freedom, American Library Association

Dealing with Selection and Censorship, 1999, Wisconsin DPI

Your library system staff (see *Trustee Tool B: Library System Map and Contact Information*)

Children's Cooperative Book Center, University of Wisconsin-Madison (for challenged children's materials), <http://www.education.wisc.edu/ccbc>

Division for Libraries, Technology, and Community Learning staff (see *Trustee Tool C* for contact information)

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Sample Complaint/Concern Form*

Your complaint or concern is about (please check):

- ☐ Book
- ☐ Audio item
- ☐ Video item
- ☐ Internet web site
- ☐ Library policy
- ☐ Other, please explain:

Please indicate (if relevant):

Title:

Author/Producer/URL:

What is your concern about this material, resource, or policy? (Please tell us all you can to help us understand your concerns.)

Please print your name and address:

Signature: _____

[On the back of the form, include the board-approved policy for dealing with written complaints about materials. See the next page for an example.]

* Sometimes called a material reconsideration or challenge policy.

Sample Board Policy for Handling Material Complaints/Concerns

The library director (or staff responsible for selecting materials in this area) will:

1. Examine the material, reviews, and other information about this title or similar titles.
2. Decide whether the item should be kept, moved to another section of the library, or withdrawn.*
3. Write the person who filed the complaint with a decision and explanation within ____ days of receiving the complaint.

If the person who filed the complaint is not satisfied with the decision, he/she can appeal to the library board. Upon receiving an appeal, the board will:

1. Set up a committee with board members, library staff, and/or community members to examine the material.
2. Consider the committee's recommendation to the board.
3. Hold a public hearing if deemed desirable by the board.
4. Make a final decision on the material.*

*The U.S. Supreme Court has ruled that officials may not legally remove materials from a library collection "simply because they dislike the ideas contained in those books and seek by their removal to prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion."